

CHAPTER 8 ADMINISTRATIVE GUIDELINES

8.1 CHAPTER PURPOSE

This chapter contains regulations for access to State-maintained roadways for conditions and occurrences not described thus far. These include temporary/seasonal entrances, construction entrances, special event sites, and access to extremely low volume generators such as utility sites. Controlling access to these sites enhances safety and increases throughput on the State-maintained roadway network.

Furthermore, policies associated with conversion of private streets to public roads, connector streets, and paper streets are discussed in this chapter.

8.2 IMPROPER ENTRANCES

Should DelDOT find that an entrance is in violation of these *Standards and Regulations for Subdivision Streets and State Highway Access*, the following actions shall be taken in order to gain compliance.

1. The Public Works Engineer shall notify the property owner by registered mail of the nature of the violation. The property owner shall be given 20 days from the date of the receipt of the notification to submit to DelDOT a schedule to correct the violation.
2. In the event that the property owner fails to correct the violation within the time

specified or to comply with DelDOT's request, the Public Works Engineer shall notify the Property owner by registered mail that the violation is to be corrected within ten days. Failure to comply with the second notification shall cause DelDOT to seek compliance in accordance with the remedies permitted by the Delaware Code, including closing the entrance.

3. All costs incurred by DelDOT incidental to obtaining compliance with these entrance requirements, including closing the entrance, shall be borne by the property owner.

8.3 TEMPORARY / SEASONAL ENTRANCE FOR BUSINESS PURPOSE

When a parcel of land is to be occupied for business purposes for less than 90 days in any consecutive 12-month period, a temporary entrance permit may be issued in lieu of a permanent permit.

In order to secure a temporary permit, the applicant must show that sufficient off-street parking exists on the site as determined by local land use regulations. The applicant must provide a plan showing the parking area and the access point to the roadway, which must not interfere with the safe operation of auxiliary lanes.

Channelization shall be used to delineate the entrance. The channelization may consist of the following: barricades, cones, prefabricated

temporary curbing or other temporary means approved by DelDOT.

The entrance, including the shoulder of the roadway, may be dirt or stone. The permit holder shall be responsible for maintenance of the entire entrance, the limits being defined on the temporary permit. The limits shall include the entrance up to the edge of the traveled way. Any ruts, potholes, etc. in the shoulder of the roadway in the vicinity of the entrance shall be the responsibility of the permit holder to repair. Failure to maintain the entrance area as defined shall cause DelDOT to make the necessary repairs. The entrance shall be closed by DelDOT until the permit holder reimburses DelDOT for the repairs and also posts a bond of sufficient amount to cover any future repairs. A permit shall not be issued to any individual, partnership, corporation, or other entity until all previous obligations created with DelDOT are fully satisfied.

8.4 CONSTRUCTION ENTRANCE

If a property owner seeks to gain access to property for construction purposes and the final entrance plan has not been approved, the Public Works Engineer may issue a construction entrance permit.

A construction entrance permit does not relieve the applicant of the responsibility of obtaining a permit to construct a permanent entrance facility. The permit for construction of a permanent entrance facility shall be complete and accepted by DelDOT's Public Works Engineer prior to utilization of the entrance. The requirement to obtain a surety for the construction entrance may be waived at the discretion of the Public Works Engineer.

8.5 MISCELLANEOUS ENTRANCE

Entrance permits are required for low volume entrances and special events such as used car

sales, roadside stands, access to farm fields, and access to utilities. The process for obtaining the permit will follow the same process as a residential entrance permit outlined in Chapter 7.

8.6 PROPERTY CHANGE OF USE / CHANGE OF OWNERSHIP

If an existing business changes ownership and the existing Commercial Entrance Permit is still applicable, no new entrance permit will be required. If an existing property changes use or expands, the existing Commercial Entrance Permit shall be evaluated to determine if entrance improvements will be required. In either case, if the traffic generated by the site exceeds the entrance design, then entrance modifications shall be required and plans shall be submitted as outlined in Chapters 3 and 5.

In the event that an entrance is approved, constructed, and at a later date an additional facility is constructed or the conditions change off the right-of-way in such a manner as to adversely affect the safe or proper use of the entrance, then DelDOT may require a new application or deny use of the entrance until such time as DelDOT is satisfied that the conditions are rectified.

8.7 CONVERSION OF PRIVATE STREETS TO PUBLIC STREETS

Private streets can be converted into public streets with or without being accepted into the State maintenance system.

8.7.1 DEDICATING STREETS TO PUBLIC USE (STATE-MAINTAINED)

The following criteria shall be met in order for a street to be accepted into the State maintenance system:

1. The subdivision where the street is located shall meet the definition of a suburban community as defined in Chapter 1.
2. The homeowner's association or a majority of the property owners must submit a written request for a roadway investigation, in accordance with State guidelines, to the Subdivision Engineer. The letter must give the State all necessary right of entry onto private property to perform the necessary investigations. A copy of the record plan shall accompany the letter.

Following the investigation, DelDOT will notify the homeowner's association or property owners of the required work necessary to bring the streets up to State standards.

3. The homeowner's association or property owners must have the current subdivision record plan re-recorded, dedicating the streets to public use.

The plan shall include the words "dedicated to public use" within the street right-of-way and the following note:

Subdivision streets constructed within the limits of the right-of-way dedicated to the public use, shown on this plan, are to be maintained by the State of Delaware at such time that the existing streets are brought up to current State standards and accepted by the State. The State assumes no maintenance responsibilities within the dedicated street right-of-way until the streets have been accepted by the State.

4. The following note must be included concerning the drainage / utility easement:

The front and side ten feet of each lot hereon are reserved as easements for drainage and utilities unless otherwise noted.

5. A copy of the proposed record plan shall be submitted to the Subdivision Engineer, prior to recordation to ensure that all right-of-way and easements are correct. Once all comments have been addressed, DelDOT will issue a "No Objection to Recordation" letter to the local land use agency.
6. The homeowner's association or property owners must submit construction plans as

outlined in Chapter 4 for the reconstruction or the rehabilitation of the existing subdivision streets as determined in No. 2 above. Upon approval of the construction plans, the construction will be governed by Chapter 6 of these Standards and Regulations for Subdivisions Streets and State Highway Access.

7. Once DelDOT's Subdivision Engineer has received a copy of the recorded plan showing plot book and page of recordation, and a letter from DelDOT's Public Works Engineer stating all work has been completed to State requirements, the street will be accepted into the State maintenance system.

8.7.2 DEDICATING STREETS TO PUBLIC USE (NOT STATE-MAINTAINED)

The following is the process for dedicating private streets that are not State-maintained to public use.

The homeowner's association or property owners must have the streets dedicated to public use by either re-recording the record plan or other acceptable method of dedication. Once the roads have been dedicated to public use, they are eligible for improvements funded by the Community Transportation Program, at the request of local legislators.

8.8 PARKING WITHIN THE RIGHT-OF-WAY

8.8.1 COMMERCIAL

The development of a commercial property adjacent to State-maintained roadways shall include provisions for the required parking as specified by the local land use agency outside of the State-maintained roadway right-of-way. Parking is to be provided so as not to interfere or cause the backing up of traffic on the traveled-way as outlined in Chapter 3. Failure to provide the necessary parking area may result in the entrance being closed by DelDOT at the expense

of the owner. Parking shall not be permitted on the shoulder of a State-maintained roadway or on any portion of the right-of-way.

8.8.2 SUBDIVISION STREETS

Parking is allowed within subdivision streets except in the following areas:

- Subdivision Streets Type III.
- Within the immediate area of the entrance driveway.
- In turnarounds and cul-de-sacs.
- Near play grounds.
- On curves with a vertical grade.
- Near traffic calming features (e.g., speed humps).

No driveways or parking bays shall be located in subdivisions within 40 feet from the edge of the radius return for the connecting street. This distance shall increase to 60 feet at the entrance to the subdivision.

In order to restrict parking in areas within a subdivision street that can accommodate overflow on-street parking, DelDOT will require support from a significant majority of the residents. DelDOT Traffic Unit must receive a petition signed by 75% of the households indicating their support for “Stopping, Standing, and Parking Restriction.” DelDOT will determine whether to restrict on-street parking within subdivision streets considering the petition and engineering study.

8.9 PAPER STREET POLICY

The term “Paper Streets” refers to rights-of-way which have been recorded and dedicated to public use but in which no State-maintained streets have been built. In this way they differ from private streets where the rights-of-way have been dedicated and a street has been built but not accepted for State maintenance.

8.9.1 GUIDELINES FOR ACCESS

DelDOT shall regulate access to properties fronting on paper streets as follows:

- Access for one single-family home may be permitted by the Public Works Engineer as though the paper street was the homeowner’s driveway only if it has been determined that there are no other buildable lots fronting the paper street.
- In all other cases, the applicant shall be required to construct a street in accordance with DelDOT standards. The street shall be constructed from the existing State-maintained street to the end of the applicant’s property. The end of the applicant’s property is hereby defined as the width of their building lot, which fronts the paper street.

The minimum required pavement section shall be two inches of Type ‘C’ Hot Mix over eight inches of stone aggregate base material.

Bonding may not be required if it is determined that the street improvements are minimal and/or do not have any detrimental impact on the surrounding community should the applicant fail to complete its obligation. A security shall be required for performance, and shall be posted in the amount of 10% of the cost to construct the approved street improvements.

Generally, where two or more interconnected paper streets are involved, the Subdivision Section shall determine which paper right-of-way should be improved for access and, if appropriate, shall recommend to the District Engineer what street(s) should be barricaded

Following construction of the streets in accordance with approved construction plans, DelDOT agrees to accept for maintenance the paved portion of these streets including curbing and gutters, and open and closed drainage systems where they exist.

8.10 CONNECTOR STREET

A connector street is a continuous street or streets entirely in the Subdivision Street category beginning and ending on the state numbered road system, and having a high volume of through traffic.

1. DelDOT may transfer certain connector streets into the state maintenance numbered road system. Transfer of connector streets from subdivision streets to maintenance road number designation changes the responsibility for funding from the legislator's Community Transportation Funds to DelDOT's Paving and Rehabilitation Work Programs. Guidelines: All streets in the subdivision street category are eligible for transfer, provided the minimum Annual Average Daily Traffic (AADT) along the length of the road must be above 4,000 vehicles.
2. Acceptance of resurfacing and reconstruction responsibilities for these roads in no way changes existing acceptance agreements which remain in full force and effect. When it comes to the attention of DelDOT that a subdivision street may meet criteria for transfer, the Division of Planning shall conduct a study to determine whether the criteria are met, and whether it is in the best interest of all concerned to effect the transfer. If the study supports the transfer, the Department shall hold a public meeting in the community to receive comments on the proposal. As a minimum, the following must be notified at least two weeks in advance of the meeting:
 - Secretary of Transportation.
 - DelDOT District Engineer.
 - All legislators in whose districts the street is located.
 - All established civic groups in areas through which the street passes.

- All residences and/or owners located on the street.

Within 30 calendar days of the public meeting, DelDOT shall decide which maintenance category the street shall be in and publicly notify the above-listed individuals/groups of that decision.

3. The responsibility for administration of these guidelines and certification of eligibility of roads rests with DelDOT's Director of Planning.

8.11 ABANDONMENT/VACATION AND/OR CLOSURE OF AN EXISTING ROAD

This section provides the guidelines for determining the merits of considering a request for the abandonment/vacation and/or closure of an existing road or an interconnection.

When considering any request for abandonment/vacation and/or closure, an Operation Analysis as outlined in the *Standards and Regulations for Subdivision Streets and State Highway Access*, Section 3.9 shall be performed by the Applicant and made available to the local land use agency and DelDOT for review.

The following additional criteria shall be considered:

1. Safety, in terms of pedestrian, bicycle, motor vehicle and property owners,
2. Traffic volumes on the road in question would exceed the capacity of the roadway and the road cannot be reasonably modified to handle the increased volume of traffic,
3. How the closure/abandonment/vacation will affect access to the area via emergency vehicles, school buses, local service providers,
4. Whether the closure/abandonment/vacation is for the benefit of the health, safety and welfare of the public,

5. Affect of the closure/abandonment/vacation upon the local street and pedestrian network,
6. The Local Area Plan has been amended by the local jurisdiction through a public process to allow the closure, if applicable,
7. Affect of the closure/abandonment/vacation upon the provision of transit, including paratransit,
8. How the closure/vacation/abandonment will affect pedestrian and vehicular connectivity if it is rejected and if it is approved, and
9. How the proposal will affect access to, provision of, and maintenance on public utility systems such as drinking water, stormwater, sewer, electric and gas.